



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO CA 95814-2922

*Rec'd
email
6/11/2015
5/017/0031
Wayne*

CERTIFIED MAIL RETURN RECEIPT REQUESTED

June 11, 2015

Regulatory Division SPK-2014-00527-SG

Bromide Mining LLC
Attn: Ms. Kristen Sheffer
2335 NW 107th Ave., Suite 2M46
Miami, Florida 99172

Dear Ms. Sheffer:

We are writing in reference to your unauthorized work and discharge of fill in waters of the United States. The work is located on or near Crescent Creek, Section 26, Township 31 S, Range 10 E, Salt Lake Meridian, Latitude 38.06983°, Longitude - 110.77871°, in the Henry Mountains south of Hanksville, Garfield County, Utah.

Based on a June 2, 2015 site inspection with mine representatives and other available information we have determined that you have discharged dredged or fill material into Crescent Creek, which are waters of the United States, without a Department of the Army (DA) permit. Section 404 of the Clean Water Act requires a DA permit be obtained prior to the discharge of dredged or fill material into waters of the United States, including wetlands. Since a DA permit has not been issued authorizing this discharge, the work is in violation of the Clean Water Act.

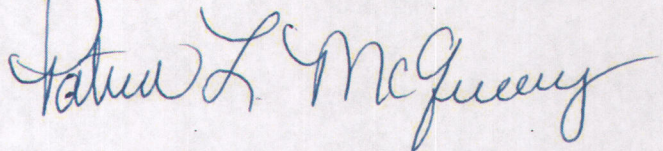
We are conducting an investigation to determine the impact of this work as it relates to public interest and the appropriate course of action to remedy the situation. Potential enforcement actions, in addition to or in lieu of fines, penalties and imprisonment, include directing removal of the unauthorized work and restoration of the site to pre-project conditions. An extract of the law is enclosed. Prompt voluntary restoration of the site in accordance with a Corps-approved plan may preclude some or all of these actions.

By copy of this letter, we are soliciting the views of appropriate Federal, State, and local agencies, which may also have jurisdiction, regarding this unauthorized activity. Based upon your responses to this notice, comments received from the agencies and any available information, we will determine the appropriate course of action to resolve this violation.

To ensure that all pertinent information is available for our evaluation and included in the public record, you are invited to provide any information which you feel should be considered. Your plans for utilization of the completed work and your evaluation of the need to retain this fill may be of particular significance in determining what actions are to be taken. Since the information provided will become a part of the public record, it may be presented in any court action that could result from this investigation and will be retained in our files. Any information you wish to provide, in addition to that already requested, should reach this office no later than July 13, 2015. We appreciate your cooperation and timely action on this matter.

Please refer to identification number SPK-2014-00527-SG in any correspondence concerning this project. If you have any questions, please contact Jason Brewer at 196 E Tabernacle, Rm 30, St. George, UT 84770, at Jason.D.Brewer@usace.army.mil, or telephone at 435-986-1961. For more information regarding our program, please visit our website at www.spk.usace.army.mil/Missions/Regulatory.aspx.

Sincerely,



Patricia McQueary
Senior Regulatory Project Manager
St. George Regulatory Office
Sacramento District

Enclosures

1. Excerpt of Clean Water Act

cc: (w/o encls)

Bromide Mining LLC, Operations Office, 100 East 20 North, Post Office Box 121,
Hanksville, UT 84734

Art Palomares, US EPA – Region 8, Mail Code 8ENF, 1595 Wynkoop St, Denver,
CO 80208-1129

Michele Sanders, North American Mine Services, msanders@nae-xploration.com

Sue Fivecoat, Bureau of Land Management, sfivecoa@blm.gov

Chuck Williamson, UT Division of Water Rights, charleswilliamson@utah.gov

Paul Baker, UT Division of Oil, Gas and Mining, paulbaker@utah.gov

Bill Damery, UT Division of Water Quality, wdamery@utah.gov

Betsy Herrman, US Fish and Wildlife Service, Betsy_Herrmann@fws.gov

Justin Fischer, Garfield County, justin.fischer@garfield.utah.gov

Appendix A

THE CLEAN WATER ACT

Section 404 (33 USC § 1344) states in part:

"(a) The ...Chief of Engineers, may issue permits, ... for the discharge of dredged or fill material into the navigable waters..."

Section 301 (33 USC § 1311) states in part:

"(a) Except as in compliance with this section and sections ... 1344... the discharge of any pollutant by any person shall be unlawful."

Note: Dredged or fill material is considered a pollutant under the Clean Water Act.

Section 309 (33 USC §1319) states in part:

(c) Criminal penalties –

(1) ... (A) Any person who negligently violates Section ... 1311 ... shall be punished by a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or by both ...

(2) (A) Any person who knowingly violates section ... 1311 ... shall be punished by a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or by both ...

(d) Civil penalties; ... any person who violates section ... 1311...and any person who violates any order issued by the Administrator under subsection (a) of this section, shall be subject to a civil penalty not to exceed \$ 25,000 per day for each violation. In determining the amount of a civil penalty the court shall consider the seriousness of the violation or violations, the economic benefit (if any) resulting from the violation, any history of such violations, any good-faith efforts to comply with the applicable requirements, the economic impact of the penalty on the violator, and such other matters as justice may require. ...

*Rec'd email*

Paul Baker <paulbaker@utah.gov>

*6/11/2015 9:017/0031***Notice of Violation - Bromide Mining LLC (UNCLASSIFIED)**

2 messages

Brewer, Jason D SPK <Jason.D.Brewer@usace.army.mil>

Thu, Jun 11, 2015 at 4:25 PM

Cc: "sfivecoa@blm.gov" <sfivecoa@blm.gov>, Charles Williamson <charleswilliamson@utah.gov>, "paulbaker@utah.gov" <paulbaker@utah.gov>, "wdamery@utah.gov" <wdamery@utah.gov>, "betsy_herrman@fws.gov" <betsy_herrman@fws.gov>, "justin.fischer@garfield.com" <justin.fischer@garfield.com>

Classification: UNCLASSIFIED

Caveats: NONE

All,

A Notice of Violation letter was sent to Bromide Mining LLC for road maintenance and road improvement work that impacted Crescent Creek. A copy of the letter is attached.

Mine representatives facilitated a site visit and are cooperating to resolve this issue.

Jason Brewer

Project Manager, Regulatory Division

USACE, St. George Regulatory Office

196 E Tabernacle Street Room 30

Saint George, UT 84770-3474

435-986-1961

Jason.d.brewer@usace.army.mil

Our Customer Service Hours: M-F 9:00am-3:00pm (MST)

Please be aware phone calls and emails will be answered only during Customer Service hours.

www.spk.usace.army.mil/missions/regulatory.aspx

Got feedback? Let us know at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey

Classification: UNCLASSIFIED

Caveats: NONE



SPK-2014-00527 ENF-NOV 6-11-2015.pdf

561K

Paul Baker <paulbaker@utah.gov>

Thu, Jun 11, 2015 at 4:43 PM

To: "Western, Wayne" <waynewestern@utah.gov>

I will print these for the file. I'm not sure if there's anything else we need to do.

[Quoted text hidden]

--

Paul Baker
Minerals Program Manager
Utah Division of Oil, Gas and Mining
[801-538-5261](tel:801-538-5261)
M-W, F



SPK-2014-00527 ENF-NOV 6-11-2015.pdf

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